

840 CMR 10.00: STANDARD RULES FOR DISABILITY RETIREMENT

10.05: Proceedings; Parties; Representation; Record

- (1) Proceedings. Disability proceedings include proceedings:
 - (a) For ordinary and accidental disability retirement of members in service;
 - (b) For rehabilitation of members retired for disability;
 - (c) For restoration to active service of members retired for disability; and
 - (d) For modification of the retirement allowance of members retired for disability.
- (2) Parties. Parties to a proceeding for ordinary or accidental disability retirement include the member who files the application. If the application is filed by a department head, the department head and the member who is the subject of the application shall be parties to the application. The party to a proceeding for modification of the retirement allowance of a member retired for disability is the member who is the subject of the proceeding. Parties to a proceeding for restoration to active service of a member retired for disability include the retired member, the member's employer and the head of any department identified by the employer as a department in which a vacancy exists to which the member may be restored under M.G.L. c. 32, § 8(2). Any person authorized by the retirement board to intervene or otherwise authorized by law to participate as a party in any proceeding shall be a party to that proceeding for purposes of 840 CMR 10.00.
- (3) Representation. A party may appear in his or her own behalf or may be accompanied, represented and advised by an authorized representative who may be an attorney, legal guardian or other person authorized to represent the party in the proceedings. Any authorized representative shall file with the retirement board a written appearance which shall contain the representative's name, address and telephone number and the name of the party represented.
- (4) Record. All evidence, whether documentary, testimonial, or in other form, offered by a party, the retirement board or any other person or entity in a disability proceeding and any issue, contention or argument raised with respect thereto, shall be included in the record of the proceeding.